

5 FEB 1980

STATINTL

MEMORANDUM FOR: Deputy Director for Administration

FROM:
Chief, Information Services Staff

SUBJECT: FBI's Records Destruction Program

Don-
Regarding your note concerning OGC's capsule of the FBI/NARS problem relating to the FBI disposition program, we and OGC examined the judge's opinion, have reviewed the processes which resulted in our records schedules, and we believe we are in good shape to defend our program. This does not mean that we may never be sued or be harassed, but we think the things we have done will hold us in good stead. As you will remember, the FBI case was one in which NARS did not physically review documents scheduled for destruction but relied on the FBI's word. In our case, the NARS appraiser has had access to our records whenever he requested such and has in fact reviewed some records.

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Tom,

STATINT [redacted] and I met yesterday with [redacted] OGC, concerning the NARS/FBI case. The three of us believe the FBI situation differs significantly from CIA. Mr. Tagge has been in on the ground floor of our records review since 1975. He saw every item in every records control schedule we developed and if he had questions he would ask to see the related documents. There are few if any records he has not been given access to. Of course he had time only to sample our records even though he visited the Agency once or twice a week between 1976 and 1979. It was a selective process, but he did see the actual records, and the main problem was over which components could get a piece of his time to review their records and get his guidance. We also believe Tagge could prove his competence as a records appraiser and that the records control schedules were approved in a manner that would satisfy Judge Green's opinion. Moreover, Mr. Tagge saw not only the records schedules for the OSS records but almost every record relating to that series. [redacted] believes it possible that one or more of the plaintiffs in the FBI case will use the decision to harass the Agency, but that we are in a good position to defend ourselves. STATIN


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